

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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ACME AMERICAN REPAIRS, INC., et al.,

Plaintiffs,

-against-

**ORDER
CV-03-4740 (RRM)**

**HARVEY KATZENBERG and
PEARL KATZENBERG, f/k/a PEARL FEUER,**

Defendants.

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GOLD, S., U.S.M.J.:

By Order dated June 3, 2013, and primarily at plaintiffs' request, I scheduled a settlement conference. My Order directed both principals of plaintiffs to attend the conference. Docket Entry 157. Moreover, during the telephone call scheduling the settlement conference, I emphasized the importance of both of plaintiffs' principals attending because of my experience in this and other lawsuits involving plaintiffs in which the possibility of reaching a settlement agreement was frustrated by the failure of one principal to participate in the negotiations or even the execution of documents plaintiffs had agreed to sign. Despite my Order, Derval Lazzari, one of the two principals, failed to attend the settlement conference and, as a result, it could not proceed. Accordingly, I issued an order directing that Lazzari pay the attorney's fees incurred by defendants preparing for and attending the settlement conference. Docket Entry 161.

Defendants filed a motion on July 3, 2013 seeking \$2,514 in attorney's fees. Docket Entry 162. Plaintiffs responded by letter dated July 5, 2013. Docket Entry 163. In their response, plaintiffs do not challenge the amount sought by defendants. Rather, plaintiffs object to defendants' motion only insofar as it seeks to recover the attorney's fees sought from plaintiffs generally rather than Mr. Lazzari in particular, as I ordered on July 3.

For the reasons stated above, Derval Lazzari is hereby ORDERED to reimburse defendants for \$2, 514 in attorneys' fees incurred preparing for and attending the settlement conference held on July 3, 2013.

SO ORDERED

_____/s/_____
Steven M. Gold
United States Magistrate Judge

Brooklyn, New York
July 8, 2013